

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,  
an Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY,  
a Pennsylvania corporation,

**DECLARATION OF  
TERRENCE J. FLEMING IN  
SUPPORT OF DEFENDANTS'  
MOTION TO EXCLUDE PORTIONS OF  
EXPERT REPORT AND TESTIMONY  
OF RANDOLPH BICKLEY  
WHITENER**

Defendants.

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I, Terrence J. Fleming, declare as follows:

1. I am an attorney at Fredrikson & Byron, P.A. and am one of the attorneys representing Defendants Federal Insurance Company (“Federal”) and ACE American Insurance Company in this case.

2. Attached as **Exhibit 1** is a copy of the Expert Report of Randolph Bickley Whitener.

3. Attached as **Exhibit 2** is a copy of excerpts from the expert deposition of Randolph Bickley Whitener.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: July 26, 2019

s/ Terrence J. Fleming